

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ROBERT G. McCONNELL

PLAINTIFF

V.

CIVIL ACTION NO. 3:10-cv-603-TSL-MTP

**HIRSCHBACH MOTOR LINES, INC.
AND WILLIAM D. TAYLOR**

DEFENDANTS

ORDER OF TRANSFER

This matter is before the Court¹ on the motions by Defendant Hirschbach Motor Lines, Inc. (Hirschbach)² to dismiss [8] or, in the alternative, transfer venue [10] pursuant to 28 U.S.C. §§ 1391 and 1406(a).³ Concluding that transfer is appropriate, the Court finds dismissal unnecessary.

This cause of action involves a vehicular accident occurring on October 26, 2009 in Iberville Parish, Louisiana. *See* Complaint [1]. Hirschbach's Answer [7] raised the issue of venue. After a stay was lifted, *see* Text Orders of December 30, 2010 and February 1, 2011, Plaintiff was given a deadline to file his response to Hirschbach's pending motions [8] [10].

Although Plaintiff's response [17] was tardy, he concedes that venue is proper in Louisiana and that the civil action should be transferred to the United States District Court for

¹This cause of action was reassigned from United States Magistrate Judge Keith Ball to the undersigned for all further proceedings. *See* Order [15]

²Defendant William D. Taylor has not been served with process. Because he is averred to be an adult resident citizen of Arkansas, and at the time of the events giving rise to this cause of action was Hirschbach's employee acting within the scope and course of his employment, his absence is not relevant to the Court's decision.

³The Court believes that the correct vehicle for transfer is 28 U. S. C. § 1404(a).

the Middle District of Louisiana.⁴

The Court finds that “[f]or the convenience of parties and witnesses, [and] in the interest of justice . . .,”⁵ as well as Plaintiff’s consent, this cause should be transferred. **IT IS,**

THEREFORE, ORDERED as follows:

Hirschbach’s Motion to Change Venue [10] is **GRANTED**.

Hirschbach’s Motion to Dismiss [8] is **MOOT**.

The Clerk of Court shall transfer this cause of action to the United States District Court for the Middle District of Louisiana.

SO ORDERED this the 14th day of March, 2011.

/S/MICHAEL T. PARKER
UNITED STATES MAGISTRATE JUDGE

⁴In conjunction with this position, Plaintiff’s Mississippi lawyer has filed a Motion for Substitution of Counsel [16], and a member of the Louisiana bar has entered his appearance [18].

⁵28 U. S. C. § 1404(a). Venue is also appropriate under 28 U. S. C. § 1391(a).